

SPECIFICATION

Examiner requested that the use of the trade-mark "Frisbee" be capitalized where it appears and accompanied by the generic terminology. Agent for Applicant respectfully requests that the specification be amended as follows:

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Flying disc or saucer shaped toys for games between humans are, of course, well known. The most famous may be the FRISBEE™ throw toy. Recently, a flexible waterproof embodiment of such a flying disc was described in United States Patent Number 6,174,214 (Cooper). Flying discs of the traditional more rigid design are disclosed in United States Patent Numbers 5,340,347 (Yenerich), 5,531,624 (Dunipace), 4,246,720 (Stone), 4,077,155 (Bruntmyer), 3,724,122 (Gillespie), and 3,359,678 (Headrick). However, these toys, being generally constructed on a rigid form of plastic, when used in play with pet dogs may cause damage to the pet's mouth. This is especially so if such toys are used in "tug-o-war" like games with pets. Such a game would commonly involve a playful, yet aggressive, contest between a person and pet wherein each would grasp an opposite end of the toy and tug or pull thereon. While United States Patent Numbers 5,261,846 (Hanna)

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N.E.
The shape and composition of the pet toy 100 provide it with several unique features and advantages. Referring to FIG. 3, the pet toy's 100 saucer-like shape and lightweight allow it to be used in throwing games 300 with pets. In such throwing games 300, a person 310 may throw the pet toy 100, with its convex outer side 140 facing up, to a pet 320 or to a location from where the pet 320 may fetch the pet toy and return ~~in it~~ to the person 310. The person 310 may throw the pet toy 100 by grasping it said toy with the thumb on the convex side 140, with the assistance of the annularly depressed trough 160, and with one or more fingers on the concave side 150. The Throwing may be accomplished with a wrist snapping motion typically used in throwing a flying disk or FRISBEE.™ throw [like] toy. Referring to FIG. 4, the pet 320 may catch 400 the pet toy 100 in its jaws. The soft and flexible nature of the pet toy 100 allows the pet 320 to safely catch the pet toy 100 in its jaws. This soft and flexible nature, along with the pet toy's 100 chewable property, allow

CLAIM OBJECTIONS

Kindly note that the amended claims incorporate the following suggested changes:

1. claim 1 (amended), line 9, delete "the"
2. claim 2 (amended), line 2 after "...annular flange..." insert---portion---
3. claim 3 (amended), line 4 after "...annular sidewall..." delete "portions" and insert ---portion---
4. claim 11, line 5, after "...annular flange..." insert ---portion---
5. claim 11, line 8, after "...said disc..." insert ---toy---
6. claim 18, line 2, delete "sidewalls" and insert ---sidewall---
7. claim 21, line 1, after "...said disc..." insert ---toy---

35 U.S.C. § 112

Kindly note that the amended claims incorporate the changes requested by the Examiner.

35 U.S.C. § 103

Examiner stated that claims 1-8 and 11-21 were rejected as being unpatentable over McCarthy in view of Cooper. In particular Examiner stated that McCarthy discloses the claimed invention except for thread fabric being continuously disposed within the top, sidewall and flange portions of the disc. However, Examiner stated that Cooper teaches a flying disc comprising fabric layers (20, 22) bonded to the upper and lower surfaces of the disc core to improve the flexibility, strength, and durability of the disc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disc of McCarthy, in view of Cooper.

In this regard Agent for Applicant respectfully states that neither McCarthy, Cooper or any of the prior art teach:

1. the top, sidewall and flange portions are comprised of resilient material for chewing by the pet;
2. the top, annular sidewall and annular flange portions are comprised of rubber for chewing by said pet and thread fabric continuously disposed internally within the top, sidewall and flange portions to said outer edge for reinforcing said disc toy when the toy is tugged and chewed by the pet;
3. the top, annular sidewall and annular flange portion comprising resilient material for chewing and tugging by the pet without harming the pet's mouth and fabric disposed within the top, annular sidewall and annular flange portions for reinforcing the disc when chewed and tugged by the pet.

In particular McCarthy does not teach that the plate 40 extends to the outer annular edge. Moreover McCarthy does not teach a toy to be chewable by a pet.

Furthermore Cooper does not teach fabric disposed internally of the disc but rather fabric disposed on the outside surface.

Furthermore the Cooper device is not chewable by a pet without destroying the device.